

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RAFAEL CAJIGAS,

Petitioner,

25 CIVIL 0628 (JMF)

-against-

**JUDGMENT**

FCI OTISVILLE (WARDEN),

Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion and Order dated June 20, 2025, Cajigas's Petition must be and is DENIED and DISMISSED. It is somewhat unclear whether a certificate of appealability would be required for Cajigas to appeal. Compare *Drax v. Reno*, 338 F.3d 98, 106 n. 12 (2d Cir. 2003) (reaffirming that the certificate-of-appealability requirement "does not apply to federal habeas proceedings... brought pursuant to 28 U.S.C. § 2241"), with *Cespedes v. United States*, No. 01-CV-2249 (ILG), 2001 WL 811929, at \*1 (E.D.N.Y. June 11, 2001) (noting that the Second Circuit granted a certificate of appealability in connection with the petitioner's appeal from an order treating his Section 2241 petition as a Section 2255 petition). To the extent the requirement applies, Cajigas has not made a substantial showing of the denial of a constitutional right and, accordingly, a certificate of appealability will not issue. See 28 U.S.C. § 2253; see also *Lozada v. United States*, 107 F.3d 1011, 1014-16 (2d Cir. 1997), abrogated on other grounds by *United States v. Perez*, 129 F.3d 255, 259-60 (2d Cir. 1997). Moreover, this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and in forma pauperis status is thus denied. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962); accordingly, the case is closed.

Dated: New York, New York  
June 23, 2025

TAMMI M. HELLWIG

Clerk of Court

BY:

  
Tammi M. Hellwig  
Deputy Clerk